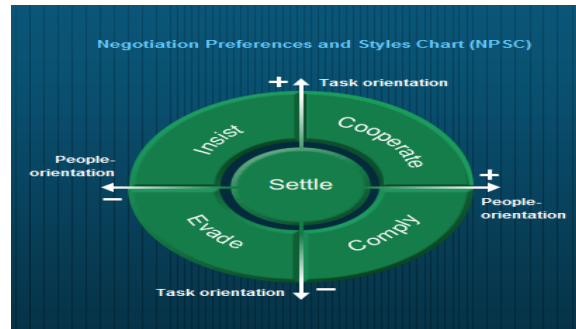# The Cooperative Negotiating Strategy (CNS) Worksheet

"In today's operations environment, one's span of authority is often less than one's span of responsibility. In short, leaders are charged with mission success while relying on people they have no authority over."

Dr Stefan Eisen

Introduction

In American business culture, we have accepted (almost as biblical) an Interest-Based Negotiations (IBN) model as the salvation to our preference for a more aggressive Insist strategy. IBN is one of several explanations for an integrative, rather than distributive approach to problem-solving. One of the first to present this concept were Fischer and Ury in their groundbreaking work "Getting to Yes". Similar to IBN, CNS takes the concepts developed in IBN and adapts them to the negotiating contexts found in the military. CNS, like IBN, involves multiple, integrated, and usually linear processes; how to extract interests from positions, develop and use BATNAs and adjusting these pieces of information as negotiation planning moves into actual negotiations. The goal of CNS is to put problems on the table and resolve them in a direct manner. This style matches our low-context culture; simple, direct, legal, finite.

The Air Force has accepted CNS as the preferred model to use in support of a negotiations core competency. This is reflected in the both the Air Force's Institutional Competencies List and AF Doctrine Document DD 1-1). In support of this competency development, the NCE has developed a negotiations worksheet (short and long versions). These worksheets are useful as a planning and execution tool when leaders engage in negotiations. However, CNS is but one of five strategies, and each has strengths and weaknesses. One size does not fit all contexts. There are limits to when and where CNS should be applied. When planning a negotiation, CNS is a good place to start. However, leaders should always be adaptive and continuously assess what modifications / accommodations /adjustments might be needed when dealing with a different situations. In short, worldviews vary, and so should negotiating styles. This worksheet should help you plan, observe, and adapt.

Part I below is a synopsis of CNS. Part II is a series of questions / topics within the actual worksheet to help you prepare and execute a negotiation.

Part I: Cooperative Negotiating Strategy Synopsis

Every day Air Force personnel negotiate with co-workers, supervisors, subordinates, business partners, coalition warfighters, non-governmental organizations, etc. The CNS worksheet should help increase the chances for success by organizing the thinking / preparation processes as well as helping guide the thought process during the actual execution. Anecdotally, if you ask a DOD professional to describe his/her theory on negotiations, they will usually tell you a "war

story." This is instructive, because the response highlights a fundamental assumption made about negotiations; that negotiations are highly dependent on context and very individual in nature. In the extreme, some leaders believe that negotiations are so situation dependant, that they can't be planned in advance. For example, a person might profess one negotiating strategy when "negotiating" with a spouse; but, you will likely receive a different answer if you asked the same person about negotiating a similar situation in a professional context. However, many leaders in negotiation (academicians and practitioners) agree that well-defined negotiation tools and methods can be built into all negotiation processes regardless of context, thereby improving and systematizing one's ability to negotiate in a variety of situations. Instead of viewing negotiations as highly idiosyncratic and situational, a more useful approach is to treat negotiations as a learned competence capable of systematic application and knowledge management. Hence, the AF CNS worksheet serves as a tool to advance this idea and develop this skill set.

CNS is a model that permits users to break down complex negotiations into a distinct and manageable set of separately identifiable components. It helps people organize their thinking about negotiations in a structured manner, and allows them to better understand, prepare, conduct, and evaluate negotiations of *all types*.

A recent White Paper entitled "Negotiation as a Business Process," published by Vantage Partners, a leading provider of negotiation training, states:

> Most experienced negotiators affirm that the quality of preparation directly translates into both the quality of the ultimate deal as well as the efficiency of the overall negotiation process. Leaving negotiators to determine for themselves how to prepare is usually ineffective—most will default to simply thinking about what they want to get and what they are willing to give up. In the face of many pressing priorities, negotiators often do not devote sufficient time to preparation, and even if they do, most focus on one or two elements of the negotiation, losing sight of the many elements that need consideration, if not investigation.

The difference between IBN and CNS is that CNS has been adapted to address needs found within the military environment, just as IBN is more adept at handling environments such as business. IBN works well in business transactions, where products are tangible and outcomes are more easily measured. In the military, products, like security, are often difficult to envision as well as measure. Thus CNS gives DOD professionals a reference / baseline for negotiation preparation within the military context. To highlight, key CNS features are:

o ***CNS Changes Negotiation from a Contest to a Search for Solutions***.
    CNS requires negotiators to treat disputes and issues as problems to be solved rather than become a contest of wills between the parties and their positions. This can be difficult in the military context, as the person across the table may have been a violent antagonist a short while ago. Although feelings of fear, anger, resentment are perhaps normal in this situation, this is not the first time in history that former antagonists have respected each other enough that at the end of hostilities, they worked to treat each other with respect. You don't have to like the person you are negotiating with, but you need to respect them, and they need to respect you. Respect helps engender trust, which helps open up communications channels so that interests may be shared and used to develop potential solutions. Searching for solutions as a cooperative venture rather than a competitive sport shifts the negotiation dynamic away from an Insist strategy, where concessions by the

weaker side to the stronger side are expected. Key in the military context is finding ways for leaders to properly identify what the problem really is all about. It is one thing to say in the business world that you need to negotiate the delivery date of a shipment of parts. It is quite another matter for two leaders, who at one time may have been antagonists in a conflict, to see eye to eye on a matter such as "security", or criminal activity, etc.

- o *CNS Focuses on Underlying Interests*.
    CNS sees the other party's position not as an ending point or goal to be contested, debated and perhaps compromised upon, but as a starting point to help understand their interests. CNS recognizes that parties' underlying interests are what is really at the heart of their dispute. Interests are the desires, values, concerns, fears and limitations that motivate the parties and stand behind their posturing about their positions. CNS gets at the "why" behind the positions (the what). It requires each party to focus on their own interests AND to focus on uncovering and understanding the other party's interests. In the military context, this digging for interest is fruitful only after parties have established some type of trust, either through pre-existing relationships and history, or through deliberate trust-building measures.

- o *CNS Searches for Solutions Based on Differences*.
    CNS recognizes that parties have differing interests, priorities, preferences, and organizational needs. By uncovering these varying interests and preferences, parties can better search for solutions that satisfy the priority needs of each party. The search for options changes negotiation from a pattern of concessions to a genuine search to solve the problem and find the best solution to meet the parties' differing interests.

- o *CNS Recognizes that Information Sharing and Communication Are at the Heart of Problem Solving*.
    CNS rests on a foundation that includes communication skills and information sharing regarding perceptions of events, interests, priorities and possible options to enhance the parties' search for viable solutions. It requires clear and determined efforts to express views, perceptions and interests, and to also actively listen and attend to what the other party has to say regarding their views and interests. In CNS, information sharing is in sharp contrast to the tendency to withhold and manipulate information that characterizes the Insist strategy.

- o *CNS Focuses on Expanding Solution Options (Expanding the "Pie").*
    The Insist strategy sees negotiation as a football game and seeks a win-lose outcome ("what I gain on the field, you lose.") This creates a battle of wills. In contrast, CNS allows parties to conceptually sit side-by-side to search for value-creating opportunities based on their differences. By focusing on expanding the solution field and creating as much value as possible, the division of the expanded pie becomes more reasoned and logical, rather than simply being a result of manipulation and hard-ball negotiation tactics.   Another consideration in today's complex military environment is that a leader's span of control is often greater than their span of expertise. It is tough to come up with an answer when there is more information available than can be absorbed. A secondary consideration is that even if a leader had all the information to make a decision, the other leader sitting on the other side of the negotiating table is likely not to have the same interpretation of possibly identical

information. Worldviews should be considered. For example, what the West considers as "security" may not be universally translated.

Another perspective on the integrative process is one many leaders use regularly, i.e. brainstorming. The only difference in CNS is that you are brainstorming not just with your team, but with the other side and their team as well.

o   ***CNS Focuses on Using an Equitable Standard as practical Selecting the Solution.***

Once the integrative process of developing options is complete, there must be a return to the distributive process of agreeably carving up the resources in the final deal. Which option to select can become problematic in the military environment because so few "industry standards" exist. The AF NCE suggests that parties agree to select the option that best meets the top interest(s) of the negotiating parties. This has the secondary benefit of getting parties to reveal *and prioritize* their interest(s) early in the negotiation, since they'll be using those prioritized interests to help select the best option to execute.

o   ***CNS Focuses uses Best Alternative to a Negotiated Agreement (BATNA) as a Motivator.***

The BATNA is what you or the other party would do (needs the will and ability), on their own, if negotiations failed. In the military context, BATNAs are sometimes seen as a return to coercive measures to get the job done. Unlike the car buyer, whose BATNA may be to leave the current car dealership and walk next door to a better offer, the military leader's mission orders usually don't allow them the flexibility as to which town to provide security for or what location to deliver power and supplies to. How those mission orders are executed can become a BATNA item. For example, determining the physical distribution of aid can rest with the US Commander (a BATNA) if the negotiating counterpart refuses to work towards a workable solution. This is something the US Commander can use to motivate both himself and the counterpart to negotiate more earnestly. First, the US Commander probably would like to get some buy-in on a solution to the problem, since the solution will most likely involve the counterpart's people. Second, the counterpart doesn't want to be seen by his /her people as weak by not being part of how the aid was distributed.

PART II: AF CNS Worksheet

Within the worksheet, each major event (Position, Interests, BATNA), is followed by a series of critical thinking questions that you need to consider when planning to negotiate. Not all the questions must be answered, not can be answered, since the situation will vary from one negotiation to the next. However, there are some overarching themes. First, after reading each question, evaluate if it is of value to your situation. If it is, the second question should be "Do I have the time, resources, and ability to gather an answer that may improve my negotiations planning?" If the answer is yes, then the question should be answered. Third, not only should you be planning for your side, but you should also devote serious effort to planning "their side". You may be making informed guesses, but it will help you anticipate potential issues and plan for action that will either turn it to an advantage to your side or at least minimize its affect on your side. Additionally, there are questions concerning stakeholder(s) and power relationships that represent Cohen's Interest Map (IM) concept (Cohen, Steven. "Negotiating Skills for Managers."

Cooperative Negotiation Strategy Worksheet		
Assessing the Negotiation Context: Planning		
	Your Side	**Other Party**
Position: What do you want? **Aspiration Point**: *What* is the best you could hope for" **Reservation Point**: What is the least you are willing to accept?	*- What is "our" position?* *-- Is the position unique to a single organization, or must the scope of the position include other organizations (other stakeholders)?* *- Is this a new situation or the continuation of another situation?* *- Are there any "in force" agreements?* *- What does your organization / chain of command / team want to have happen? - What is the rationale for this position?*	*- What is the other party's position(s)?* *- Do they present any "in-force" agreement to support their position?* *-Do they see it as a new situation or the continuation of another situation?* *- Is there precedent / tradition?* *- What does the other party's chain of authority look like? What do you think they will desire as their "best position"?* *- Rationale for the position?*
Interests & Priorities *Why* do I want outcome above? How important is each interest? Which is the most important, least important, etc?	*- List (and prioritize) what the your interests are in this case (and what is the context / situation / conditions / environment BEHIND the position that creates the position)* *1. From a your perspective, what are the overarching issues? What are other stakeholders' (if any) overarching issues?* *2. From a your perspective, what are issues specific to this region outside of this individual case (economic, political, cultural, etc.)?* *3. From a your perspective, what are issues specific to this individual case (for example: SOFA, laws, existing contracts / agreements, maximize a gain or minimize a loss, political issues, economics, tradition, etc.)? Do you see this as an individual case or part of a larger situation?*	*List (and prioritize) what the other party's interests are in this case (what is the context / situation / conditions / environment BEHIND the position that creates the position)* *1. From a their perspective, what are the overarching issues? What do they think ours might be?(avoid mirror imaging, strive to put issues in their context)* *2. From their perspective, what are issues specific to the other main party to the negotiations (and / or other interested parties with power) outside of this individual case (economic, political, cultural, etc.)? What are their issues? Why might they be interested in the negotiations?* *3. From their perspective, what are issues specific to this individual case (for example: SOFA, laws, existing contracts / agreements, maximize a gain or minimize a loss, political issues, economics, tradition, etc.)? What might their perceptions be of ours? Does the other party see this as an individual case or part of a larger situation?*

Interests & Priorities *(continued)*	4. Identify your stakeholders. What are the stakeholder's positions and interests? What are their relationships with the other parties and with each other? Who has power, why and how can it be affected? 5. Are there any interrelations between issues? (For example, if I execute an economic policy in response to this case, what will the effect be on other elements of my relationship with their government? Might other parties (i.e. stakeholders) relationships change (how and why?) 6. What does your side want the situation to be AFTER the negotiations conclude (what is/are the long-term interest(s))? Do all stakeholders share the same long-term goal?	4. Identify their potential stakeholders. What are their positions and interests? What are their relationships with your parties and with each other? Who has power, why and how can it be affected? 5. What does the other party see as the interrelations between issues? (For example, if they execute an action within their legal system, what might be the effect on other elements of their relationship with your stakeholders?) 6. What do you think they want the situation to be AFTER the negotiations conclude (what is/are their perceptions of long-term interest(s))?
BATNAs (Best Alternative to a Negotiated Agreement) What do I have the will and the resources to do if I don't reach an agreement with the other party? What might they do?	BATNA: an action that may be pursued by your side without any consultation or agreement by the other party. - Determine your "unilaterally executable options" if you "leave the table" - Within each option, what is /are the desired response(s) from the other party? - Within each option, what action by the other party might trigger this event? - Within each option, how might your stakeholders respond? - Within each option, what are some possible 2nd, 3rd order effects that are undesirable to your position? - Within each option, how will executing the option affect your long-term relationship with the other party? With your stakeholders? - Within each option, how much does the other party know about the option? How much power / ability do they have to weaken your BATNA options?	A BATNA may also be pursued by the other party without any consultation or agreement by you. - Estimate the other party's "unilaterally executable options" if they "leave the table" - Within each option, what is /are the desired response(s) they might want from you - Can they impact a stakeholder that can, in turn, exert influence on your BATNA? - Within each option, what action by you might trigger this event? - Within each option, how might their stakeholders respond? How might your stakeholders respond? - Within each option, what are some possible 2nd, 3rd order effects that are undesirable to their position? To their stakeholder's position? To your position? To your stakeholder's position? - Within each option, how will

	executing the option affect their long-term relationship with you? With your stakeholders? *- Within each option, how much do you know of the details? How much power / ability do you have to weaken their BATNA options?*

Objective Criteria
 	
What criteria can parties agree to as objective measures of merit for each option?
 	
History, precedent, third party standards, industry standards, law, tradition, etc.
	Where are possible sources for objective criteria?
	     a. Within the respective parties' constructs (civil, criminal, social, political, economic, etc)? – What is the relevant law
	     b. Within the region? – might there be regional criteria to consider? Other examples within the region (especially if the example is of a regional power that the countries both respect)
	     c. Within bilateral documents / agreements? (SOFA, etc.)
	     d. Within regional documents / agreements? (Might there be a regional / coalition agreement?
	     e. Within international agreements / agreements?
	     f. Is there any precedent? (Where has this happened before?)
	     g. Does the culture consider "golden rule" type criteria "do unto others…."? Is there other "quid pro quo" criterion that is part of the social fabric and / or custom? How is it enforced?
	     h. For the military context, a potential tool to help select the best idea from all the ideas is to see which idea best supports the top interest(s) of BOTH sides equitably (not necessarily equally)

AGENDA	*What might the most appropriate approach? Going beyond "full proposal" or "issue at a time", consider:* *-- Broaden/Narrow – Should you add or subtract issues from the table help to create a common interest?* *-- Are there automatic de-railers? How might you avoid them?* *-- What will you opening statement e (the "first 90 seconds"? What do you expect the other party's "first 90 seconds" to be?* *-- Who should go first? What should go first? An easy issue (trust building?) or a hard issue?*

Execution Processes	
ZOPA	*- Identify your Zone of Possible Agreement (ZOPA). From the least you'll accept to the best you can possibly hope to get, this establishes your ZOPA. How does this change during your negotiations?* *-- Gather information & identify the ZOPA* *-- Test assumptions and motives* *-- Learn from your counterpart. Listen carefully* *-- Be prepared to learn/modify as facts are unveiled.* *-- Understanding priorities and why the priorities are they way they are* *-- Brainstorming – is the other party amenable to brainstorming?*
Options for Mutual Gain	*- Satisfying as many interests of both parties as possible* *- Where might your interests and the interests of the other side coincide?* *- Are there areas of mutual agreement?* *- What actions (or combination of actions) might support the attainment of these mutual interests?* *- How might these actions be coordinated? Verified?*
At the Table	*- Managing the process at the table* *-- Managing your team – who will lead the discussion (one or many)? Who do you think will lead their discussion (one or many on their party?)* *-- Sequencing – How do you want to sequentially organize your negotiation?* *-- Who records the proceedings? In what language (both)? Written record or audio/video?* *-- Shaping perceptions* *-- Structuring the deal – is there a need for interim summaries / agreements?* *-- Closure*
Away from the Table	*- Managing the process away from the table* *- How do you call an "intermission"?* *- How do you manage communication with the stakeholders during negotiations?*
Impasse	*- Overcoming Impasse* *-- Cause of impasse? Positions? No ability to see common ground?* *-- Need to move to distributive style?* *-- Influence of third party power* *-- Mediation?* *-- Change negotiator(s)?* *-- Change location (perception of time court advantage?)* *- Change timing of certain events?* *-- Take a recess* *-- Defer issues that don't require agreement now* *-- Build incentives* *-- Reframe issues to play to interests*

Post-Negotiation: Evaluation	
Goal is to self-assess for future skills improvement **Can also act as a tool for mentoring others on negotiations**	*- Outcomes: Compare against entire range of outcomes – What is the best you can hope to achieve vs. What is your "walk away" point?* *- Compare outcome to BATNA* *- What transpired during the negotiations that followed the plan? Were the initial assessments / perceptions accurate?* *- What changes were you able to accommodate and why?* *- What changes were unanticipated? Could they have been foreseen with a modification in the planning process?* *- Do you anticipate a good basis for follow-on negotiations should problems arise in execution? If so why, If not, why not?* *- What lessons can you extract from this negotiation to help mentor others? Successes failures, insights, etc.*

	Cultural Considerations / Perspectives Guide The questions below ask you to examine and consider both the other party's culture as well as yours. It is suggested you answer these questions first on how you perceive the other party and then "mirror image" to see how the other party might perceive you. What is critical is not what you think you are culturally, but what the other party thinks you are – because that is what they will base their planning and action upon.

Cultural Architecture	*SECTION I: Cultural architecture*
	This is a series asking you to consider several general questions to help set the architecture of both your culture and the other party's culture
	
	Individualistic or communal culture (Proself or Prosocial)?
	   - Individualistic / Egalitarian (Calvinism) sets value on what you do/individual achievement. Independence is valued and compartmentalization of life is accepted. Individual needs may take priority over group needs. Competitive and rewards based.
	                                            Mantra: Live to work
	
	   - Communal/ hierarchical sets value on who you are and where you come from. Lineage is valued as is association with groups. Groups' needs take a higher priority than individual needs. Life is not compartmentalized and is seen as a whole of interconnected parts – one affecting all and all affecting one. Cooperation is valued and rewarded with prestige.

Mantra: Work to Live

Purpose of the Negotiation. Is the priority on "sealing the deal" or to "cultivate / maintain and relationship"?
- *Proself see negotiations more as a problem solving method – process to achieve an end state. Problems are dissected and solutions offered. Usually Inductive reasoning is used (generalized conclusions from observing specific events / instances). May prefer specific legalistic documents (contract law)*
- *Proself may also consider the issue at hand in isolation "Let's solve this problem and move on"*
- *Prosocial may see negotiations as a necessary evil as other lower processes to resolve issues have failed. May approach the process with Deductive reasoning (conclusion about a specific flows from general principles). May prefer general agreements without much detail*
- *Prosocial may also consider the issue at hand as one step in a seemingly endless flow. Previous issues impact this one (baggage) and this issue impact other unforeseen future issues. "This problem is but one in a series of problems, let us examine the ideas to resolve it". A "solution" here may not be seen as a "solution" in a proself culture*

Linear approach or relative approach to time?
- *Proself may emphasize punctuality and precise agendas. Time is to be spent "wisely" on the task at hand. Time is a resource to be marshaled – each second as valuable as the other. A schedule defines the process and at the end of the process, the problem needs a solution.*
- *Prosocial may emphasize time as a gift to be shared. Time with friends is more important than time spent in other manners. Punctuality is not critical, nor even desired. A social process defines the schedule and since the social process may be never-ending, so a solution is not critical.*

Low or High Context communications?
- *Proself emphasizes the meaning of words and precise choice of words. Little emphasis on non-verbal contexts. Direct, believes that the truth must be said, can be blunt, but always precise. "Legalistic"*
- *Prosocial emphasizes the environment of the communication. Indirect meanings, hinting phrases are used so as to not offend either party (saving face). What is not said is often as important as what is said. Non-verbal contexts critical to understanding the message. "What is meant is not often said"*

Org Culture | *SECTION II: Organizational Culture*
This series of questions looks at organizations. Gaining insight here is particularly useful for examining across US cultures such as DOD, federal agencies, state and local organization
- What is the mission of the organization? How are they organized to do the mission?
- How do they interact and function? Emphasis on hierarchy or egalitarianism?
- Where are their allegiances? What are their relationships with other organizations?
- What is their relationship with power organizations (Congress, etc?)

	- *What are their priorities, what do they value the most?* - *Who do they normally cooperate with? Who are their antagonists?* - *What is their planning process?* - *How do they garner resources? What is their budget process?* - *What is their history with your organization?*
Regional Culture	*SECTION III: Regional Culture* *This series of questions looks at regions from a macro, then micro, perspective.* *MACRO region* - *Physical geography / climate* - *Geo-strategic relation with its neighbors. Who are historic "friends" and "enemies"* - *Are there outstanding "debts" (social, cultural, historical) owed to them or they might owe others?* - *Members of a coalition? (formal, informal, etc.)* - *Economy, Trade, Currency, Exchange* *GOVERNMENT – Distribution of power* - *Type of government – how do the different branches communicate and decide?* - *Nature of the executive system, bureaucracy, judicial system. Who holds power and why* - *Nature of commerce and trade. Nature of transportation and communications* *HISTORY* - *Development of land – how did they come to be?* - *Who do they revere as national / regional heroes? Why?* - *What are their myths and legends? Do they have historical scores to settle?* - *Relationship with the US and other western countries?* - *Do they have a "colonial" experience? Were they the "colonized" or the "colonial rulers"? If they were ruled, were they members of the elite or common sector of society?* - *Relationship with their neighbors?* *MICRO region* - *Community layout / facilities* - *Meeting areas* - *Social opportunities* - *Organizational relationships* - *Local allegiances (tribal, hierarchy, government, etc.)*
Regional Culture (continued)	*LOCALITY* - *Is the "neighborhood" friendly or challenging?* - *What are the relationships between the major groups of people?* - *What is the nature of local power? Who answers to whom?* - *What are their priorities?* *SOCIAL ORDER* - *If something goes right, how do they distribute the credit?* - *If something goes wrong, how do they handle it? How do they save face?*

	- Influence of Religion? *-- Central and directive or secular and guiding?* *- Role of elders / children / women* *INDIVIDUALS TO THE NEGOTATIONS* *-Individual's history /education /background /preferences* *Insights into BOTH your culture and the other party's can help guide your negotiations.* *Note: These are not the only possible outcomes, these exemplify the ends of a spectrum of cultural contexts, your situation may lie at one or the other end, or somewhere in between.*

Culture Summary	*Summative items:*
	- Top Consideration: How do they and their people view you and your "people"?
	- Cultural underpinnings of this top consideration
	    -- Individualistic or communitarian?
	    -- Context/Communications: high context (indirect) or low context (direct)?
	    -- Time perspective: linear or circular?
	    -- May this issue be treated distinctly and separately or is this part of a larger series of issues?
	    -- Relationships: formal or informal?
	    -- Agenda: full proposal or approaching the negotiations an issue at a time?
	    -- Are trust-building measures in order?
	    -- Language: what language? Theirs / yours / an interpreter?
	    -- Outcome: Is the relationship more important as the outcome or the agreement?
	    -- Impasse: how might they respond to an impasse?